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EXAMINER	
MANIWANG, JOSEPH R	
ART UNIT	**PAPER NUMBER**
2144	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/746,637	CHILOYAN ET AL.	
	Examiner	Art Unit	
	Joseph R Maniwang	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21,23-42 and 44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21, 23-42, and 44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *07/19/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 13-18 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 13-18 and 20 recite the limitation "the step of enabling communication". There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

5. Claims 1-17, 19-21, 24-38, and 40-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al. (U.S. Pat. No. 6,668,376), hereinafter referred to as Wang.

6. Regarding claims 1, 24, and 25, Wang disclosed a method and system for accessing information related to a peripheral device as claimed. The method comprised obtaining an identifier from the peripheral device, determining a network address based on the identifier, and executing a browser function on the host computer to access and

automatically install a remotely stored device driver (see column 2, lines 24-41; column 3, lines 24-40). Wang disclosed that the peripheral installation process, which made use of a browser function, could be user controlled (see column 3, lines 34-35; column 4, lines 10-15), thus enabling a user to suppress execution of the browser function as claimed. Furthermore, in addition to using URLs directly linking to device drivers, Wang also disclosed other special case URLs, implying that using such a URL, the system could access and obtain information not essential to the use of the peripheral device as claimed (see column 4, lines 4-9).

7. Regarding claims 2 and 3, Wang disclosed obtaining the peripheral identifier after the host recognized a change in the number of devices connected to the host or alternatively by a manual indication provided by the user (see column 4, lines 10-15).

8. Regarding claim 4, Wang disclosed employing at least one of the identifiers as at least a portion of the network address, as it was disclosed that an identifier received from the peripheral device could be the address itself (see column 5, lines 30-62).

9. Regarding claims 5-8 and 26-29, Wang disclosed obtaining peripheral identification through a request and receiving a device descriptor. A descriptor could be a string descriptor, and include several identifiers, including a class and a command set specific to the peripheral device (see column 4, lines 10-29, 40-60). Parsing the descriptor for at least one of the identifiers was inherently disclosed by Wang as these values were disclosed to be unique and network addresses were retrieved based on them (see column 4, line 61 through column 5, line 15). Parsing the descriptor in this

case would be necessary to extract the unique information needed for retrieving network addresses.

10. Regarding claims 9-11 and 30-32, Wang disclosed determining a network address comprising accessing a database using a peripheral identifier as claimed. The database could reside on the host computer or externally, accessible to the host (see column 2, lines 42-49; column 3, line 61 through column 4, line 9; column 5, lines 17-22).

11. Regarding claims 12 and 33, the network address was generated based on the peripheral identifier as claimed (see column 4, lines 1-4; column 5, lines 1-3).

12. Regarding claims 13-17 and 34-38, Wang disclosed automatically retrieving and installing peripheral device drivers from the remote computer using the network address (see column 3, lines 24-40; column 5, lines 1-15).

13. Regarding claims 19 and 40, Wang implicitly disclosed creating links to network addresses by disclosing storage of the database of network addresses on a webpage (see column 5, lines 17-22). A webpage of network addresses implies links as claimed.

14. Regarding claims 20 and 41, Wang disclosed automatically executing a browser on the host to access the remote computer at the network address (see column 5, lines 3-9).

15. Regarding claims 21 and 42, Wang disclosed alternatively allowing a computer user to perform any of the disclosed actions in order to install a device driver, including accessing the network address (see column 3, lines 24-35). As the use of a browser was disclosed for accessing a network address (see column 5, lines 3-9), Wang thus

disclosed allowing a computer user to use a browser for accessing a network address, enabling a user to execute a browser function as claimed.

Claim Rejections - 35 USC § 103

16. Claims 18 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (U.S. Pat. No. 6,668,376), hereinafter referred to as Wang, as applied to claims 1 and 25 above, and further in view of Lin et al. (U.S. Pat. No. 6,523,083), hereinafter referred to as Lin.

17. Wang disclosed a method and system of accessing information related to a peripheral device. The method comprised obtaining an identifier from the peripheral device, determining a network address based on the identifier, and enabling communication between a host of the peripheral device and a remote server at the address (see column 2, lines 24-41; column 3, lines 24-40). Wang disclosed downloading peripheral device driver software from the network address.

18. While the invention of Wang related to downloading peripheral device driver software from a network address, Wang did not specifically disclose downloading firmware for a peripheral device.

19. In a related art of peripheral devices, Lin disclosed a system and method for updating the firmware of a peripheral device. A peripheral device was programmed entirely by a host device offering a more cost effective solution over prior art methods (see column 2, lines 13-59).

20. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Wang and Lin to include firmware updates in addition to the device driver resources accessible through a network. One of ordinary skill in the art would have been motivated to consider updating firmware in a peripheral device as Lin disclosed it necessary in keeping a peripheral current and error free (see column 1, lines 16-22), a problem also recognized by Wang (see column 1, lines 32-54). Allowing for firmware updates in the invention of Wang as taught by Lin would have further provided a way for updating a peripheral device in an efficient manner.

21. Claims 23 and 44 rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (U.S. Pat. No. 6,668,376), hereinafter referred to as Wang, as applied to claims 1 and 25 above, and further in view of what was well known at the time of invention.

22. Wang disclosed a method and system of accessing information related to a peripheral device. The method comprised obtaining an identifier from the peripheral device, determining a network address based on the identifier, and enabling communication between a host of the peripheral device and a remote server at the address (see column 2, lines 24-41; column 3, lines 24-40). Wang disclosed determining a network address by accessing a database using a peripheral identifier. The database could reside on the host computer or externally, accessible to the host. Wang disclosed generating the database with the help of manufacturers to correlate network address and device identification data, the network addresses providing direct

access to device driver software (see column 2, lines 42-49; column 3, line 61 through column 4, line 9; column 5, lines 17-22)

23. Examiner takes Official Notice (see MPEP § 2144.03) that periodically updating a database in a computer networking environment was well known in the art at the time the invention was made.

24. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the invention of Wang to include periodically updating the database to add or change network addresses pertaining to peripheral devices as claimed. It was desired in the invention of Wang to provide up-to-date versions of software (see column 1, lines 44-67), thus motivating one of ordinary skill to not only update the driver software of peripheral devices as disclosed, but to further keep the driver software up-to-date at the source by periodically updating the database of addresses for accessing the software.

Response to Arguments

25. Applicant's arguments filed 07/06/04 have been fully considered but they are not persuasive.

26. Regarding claims 7, 8, 20, 21, 28, and 29 rejected under 35 U.S.C. 112(2), Examiner accepts Applicant's amendment to overcome the rejections. The rejections have been withdrawn.

27. Regarding claims 1-17, 19-22, 24-38, and 40-43 rejected under 35 U.S.C. 102(e) as being anticipated by Wang, Applicant asserts that Wang did not teach or suggest that the user can control further automatically generated requests to execute a browser function to access a remote device at an address. In the present invention, Applicant asserts that in contrast to Wang, subsequent automated vendor requests may be used to produce web advertising, and the user is given the option to suppress such browser use. Applicant further asserts that specifically, the software checks a flag set by the user to prevent further attempts to access information at a network address. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., web advertising, software flag checking) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, step (d) of claim 1 reads, "enabling a user to suppress further requests to execute a browser function", not "further automatically generated requests", as argued by Applicant. As presented, only the initial request to facilitate peripheral installation is automatic as claimed in step (c), a limitation clearly taught by Wang where after determining a URL associated with a peripheral, a browser was executed to automatically download and install the device driver (see column 5, lines 3-15). Examiner submits that the claimed limitation of suppressing further requests to execute a browser function to access the network address to obtain information not essential for use of the peripheral device relates to nothing more than the broad concept

of browsing the web at the choice of the user. Wang disclosed the use of the Microsoft Internet Explorer and Netscape Navigator browsers, which were well known in the art for use in browsing web pages. As recited above, the URL determined from a peripheral device could be a special-case URL (see column 4, lines 4-9), implying that using such a URL, the system could access and obtain information not essential to the use of the peripheral device as claimed. In addition, Wang disclosed that the URLs were different web sites which could be accessed, and which contained the device drivers for use on the host computer (see column 3, lines 58-60). One of ordinary skill in the art would recognize that the web site itself is non-essential to the use of the peripheral device by the host device as it is the device driver that is needed to operate the peripheral. Furthermore, Wang disclosed that the peripheral installation process, which made use of a browser function, could be user controlled (see column 3, lines 34-35; column 4, lines 10-15), thus enabling a user to suppress execution of the browser function as claimed. Examiner thus submits that Wang taught the broad concept of allowing a user to suppress further requests to execute a browser function for obtaining information not essential for the use of the peripheral device as claimed.

Regarding claims 18 and 39 rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view on Lin, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. In response to applicant's

arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leigh (U.S. Pat. No. 6,728,787) disclosed a method and system for locating and installing drivers for peripheral devices by using an identification and URL associated with the device to download drivers over a network.

Hanson (U.S. Pat. No. 6,148,346) disclosed retrieving peripheral device drivers over a network.

Fleming, III (U.S. Pat. No. 6,473,854) disclosed a method for automatically retrieving and installing device drivers across a network.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R Maniwang whose telephone number is (703) 305-3179. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A Cuchlinski can be reached on (703)308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM

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